

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6732**

**BILL NUMBER:** SB 368

**NOTE PREPARED:** Jan 12, 2012

**BILL AMENDED:**

**SUBJECT:** Statute of Limitations for Child Sexual Abuse.

**FIRST AUTHOR:** Sen. Mrvan

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- A. *Civil Actions* – It increases the statute of limitations for a civil action based on child sexual abuse to the later of: (1) seven years after the cause of action accrues; or (2) four years after the person ceases to be a dependent of the person alleged to have performed the sexual abuse.
- B. *Criminal Prosecution* – It increases the statute of limitations for the criminal prosecution of certain sex offenses from five years to the later of: (1) ten years after the commission of the offense; or (2) four years after the person ceases to be a dependent of the person alleged to have committed the offense.

**Effective Date:** July 1, 2012.

**Explanation of State Expenditures:** Extending the statute of limitations could increase the number of persons who are convicted and committed to the Department of Correction. The specific number, however, cannot be determined.

*Criminal Prosecution* – The following table shows the possible sentences for sex crimes that are covered under IC 11-8-8-4.5.

<u>Felony</u>	<u>Crimes Include:</u>	<u>Possible Prison Sentence Range</u>
Class B Felonies	Rape, Criminal deviate conduct, Child molesting, Vicarious sexual gratification, Child solicitation, Sexual misconduct with a minor, Incest, Criminal confinement, Promoting prostitution, Promotion of human trafficking, Sexual trafficking of a minor	6 to 20 years
Class C Felonies	Child molesting, Child exploitation, Vicarious sexual gratification, Child solicitation, Sexual misconduct with a minor, Incest, Sexual battery, Criminal confinement, Promotion of human trafficking, Sexual trafficking of a minor, Human trafficking	2 to 8 years
Class D Felonies	Vicarious sexual gratification, Child seduction, Child solicitation, Sexual battery, Criminal confinement, Possession of child pornography	6 Months to 8 Years

The marginal cost for medical care, food, clothing, and hygiene is \$3,332 annually.

**Explanation of State Revenues:** *Criminal Prosecutions:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The criminal costs fee is \$120. The maximum fine for a Class A felony is \$10,000. However, any additional revenues would likely be small.

*Civil Actions – Court Fee Revenue:* If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed.

For both the criminal and civil costs fee, 70% would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$5), judicial salaries fee (\$19), public defense administration fee (\$5), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

**Explanation of Local Expenditures:** *Criminal Prosecution* – Extending the statute of limitations could increase the number of cases that might be prosecuted at the local level. Whether more crimes would be prosecuted is not determinable, although the prosecuting attorney would have the discretion of filing these cases in court.

*Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

**Explanation of Local Revenues:** *Civil Actions – Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

*Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Prosecuting Attorneys; Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.